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UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

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CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

BY CF DEPUTY

UNITED STATES OF AMERICA **Plaintiff** **v.** **Juan Antonio MENDEZ-Jacobo** **Defendant**	**Magistrate Docket No.**________ COMPLAINT FOR VIOLATION OF: **TITLE 18 U.S.C. § 1544** **Misuse of Passport**

The undersigned complainant, being duly sworn, states:

On or about June 2, 2008, within the Southern District of California, defendant Juan Antonio MENDEZ-Jacobo did knowingly and willfully use a passport issued or designed for the use of another, with the intent to gain admission into the United States in the following manner, to wit: Defendant applied for entry to the United States by presenting US passport number 423759165, issued in the identity of Ivan Othoniel TORRES to a Department of Homeland Security, Customs and Border Protection Officer, at the San Ysidro Port of Entry, knowing full well that he was not Ivan Othoniel TORRES, that the passport was not issued or designed for his use; in violation of Title 18, United States Code, Section 1544.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

____
Richard M. Escott
Senior Special Agent
U.S. Department of State
Diplomatic Security Service

SWORN AND SUBSCRIBED TO before me
This 3d day of June, 2008.

____________________ UNITED STATES MAGISTRATE JUDGE

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PROBABLE CAUSE STATEMENT & STATEMENT OF FACTS

I, Richard Michael Escott, being duly sworn, declare under penalty of perjury that the following statement is true and correct:

1. I am a Senior Special Agent (SSA) with the U.S. Department of State, Diplomatic Security Service (DSS) assigned to the San Diego, CA Resident Office. I have been so employed for eight years and have investigated numerous violations involving the false application for and misuse of United States Passports and Visas.

2. During the performance of my duties, I have obtained evidence that Ivan Othoniel TORRES used a US Passport issued or designed for the use of another. This Affidavit is made in support of a complaint against DEFENDANT for violation of Title 18, U.S.C., Section 1544.

3. On 06/02/2008, at approximately 0817 hours, DEFENDANT presented himself to a Department of Homeland Security, Customs and Border Protection (CBP) Officer at the pedestrian lines of the San Ysidro Port of Entry, to apply for admission into the United States. DEFENDANT identified himself with US Passport number 423759165, bearing the name Ivan Othoniel TORRES, DPOB 06/16/1988, California, U.S.A., and a photograph that was not DEFENDANT. The CBP Officer suspected DEFENDANT was an imposter and referred him for secondary inspection.

4. On 06/02/2008, the Affiant was advised by a CPB Officer at the San Ysidro POE that DEFENDANT had been detained at the secondary inspection area of the San Ysidro POE.

5. On 06/02/2008, the Affiant conducted a records check in the US Department of State (USDOS) passport database. Records indicated that VICTIM, Ivan Othoniel TORRES, had reported to the USDOS that his passport, US Passport number 423759165, had been stolen from his vehicle.

6. On 06/02/2008, at approximately 1350 hours, DEFENDANT was retrieved from secondary inspection at the pedestrian secondary inspection area and was brought to an interview room. The Affiant, assisted by another DSS Special Agent and a CBP Officer, who also acted as translator, interviewed DEFENDANT. DEFENDANT read his Miranda warning aloud in Spanish from a written copy. He indicated that he understood and waived his right to counsel. He admitted that his true name was Juan Antonio MENDEZ-Jacobo, DPOB, 12/29/1985, Mexico City, Mexico. He stated that he was a citizen of Mexico and not a citizen of the United States. DEFENDANT admitted that he paid a smuggler in Tijuana $300 for the US Passport in the identity of Ivan Othoniel TORRES.

7. DEFENDANT admitted to using the false passport to apply for entry into the US on 06/02/2008, at the San Ysidro Port of Entry. He admitted knowing that the passport was not issued or designed for his use and that it was illegal to use a US Passport in the name of another. DEFENDANT made a recorded oral statement as to the elements of the charge and a written statement.

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On the basis of the facts presented in this probable cause statement consisting of 2 pages, there is probable cause to believe that the defendant named in this probable cause statement committed the offense on 06/02/2008 - in violation of Title 18, United States Code, Section 1544: Misuse of a passport - when he knowingly and willfully used the passport belonging to another, Ivan Othoniel TORRES knowing that it was not issued or designed for his use, in order to gain admission into the United States.

Richard M. Escott
Senior Special Agent
U.S. Department of State
Diplomatic Security Service